

REMARKS

In the Office Action, claims 21-25 are rejected under 35 U.S.C. §102 in view of U.S. Patent No. 6,060,050 (Brown). Applicants believe that this rejection is improper.

Of pending claims 21-25, claim 21 is the sole independent claim. Claim 21 recites a food composition including one or more Bifidobacterium strains capable of preventing infection of intestinal cells of a mammal due to a rotavirus. Applicants have surprisingly found that microorganisms of the genus Bifidobacterium display properties not yet recognized in the art. More specifically, the claimed food composition includes microorganisms that belong to the genus Bifidobacterium and that are capable of preventing infection of intestinal cells by rotaviruses. This can be utilized, for example, as a preparation of a carrier for the treatment or prophylaxis of diarrhea. See, specification, page 3, lines 7-12.

Applicants have conducted a number of experiments that demonstrate the efficacy of the food compositions with Bifidobacterium as claimed. More specifically, Applicants have conducted tests pursuant to two separate protocols to test the anti-rotaviral activity of the claimed compositions. See, generally, specification, pages 4-9. As shown, the Bifidobacterium bacterial strains, particularly Bifidobacterium adolescentis CNCM I-2168, showed an extremely high activity against Serotype 1 Rotavirus, Serotype 3 rotavirus SA-11 and Serotype 4 rotavirus Hocht. See, specification, page 9, lines 11-14.

Applicants believe that the cited art is distinguishable from the claimed invention. The Brown reference generally relates to probiotic compositions. More specifically, the emphasis of Brown relates to a composition to supplement food products. This can purportedly enhance/increase their nutritional value. The composition includes one or more Bifidobacteria, such as Bifidobacterium longum and a carrier. The carrier is a modified or unmodified resistant starch to support the growth or maintenance of said micro-organisms. See, Brown, Abstract.

Nowhere, however, does Brown mention infection, let alone infection of intestinal cells due to any pathogen, particularly rotavirus infestation. Clearly, this suggest that Brown fails to recognize or appreciate food compositions that can prevent infection of intestinal cells due to a rotavirus as required by the claimed invention. The claimed compositions include one or more Bifidobacterium strains that display anti-rotaviral activity to prevent infection.

As previously discussed, Applicants have conducted a number of tests that demonstrate the anti-rotaviral effectiveness of such claimed Bifidobacterial strains including, for example,

Bifidobacterium longum, Bifidobacterium adolescentis and Bifidobacterium CNCM I-2168 as further defined in claim 25. Indeed, the Bifidobacterium strain in the claimed composition displays an active role in preventing infection due to a rotavirus. The active role includes interaction either directly with the rotavirus (e.g., scavenging the viral particles so that they cannot invade cells) or interacting with receptors on intestinal cells that are required by the rotaviruses to enter the cells, thus preventing attachment and subsequent invasion of the viruses. Based on at least these reasons, Applicants believe that Brown on its own is distinguishable from the claimed invention.

Accordingly, Applicants respectfully submit that the anticipation rejection be withdrawn.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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